UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF INDIANA NEW ALBANY DIVISION

In re:)	Chapter 11
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-DIIL-11
Debtor.)	

TRUSTEE'S OMNIBUS OBJECTION TO CLAIMS ALREADY SATISFIED BY PAYMENTS FROM VICTIM RESTITUTION FUND ADMINISTERED BY THE KENTUCKY ATTORNEY GENERAL'S OFFICE

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), hereby objects (this "Objection") to the claims identified on attached Exhibit A (individually, a "Claim" and collectively, "Claims") because the Claims have been satisfied by payments made from a restitution fund administered by the Kentucky Attorney General's Office.

Jurisdiction

- 1. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(B). Venue of this proceeding and this Objection is properly in this District pursuant to 28 U.S.C. §§ 1408 and 1409.
- 2. The statutory bases for the relief requested herein are 11 U.S.C. §§ 502, 506 and 507 and Rules 3001 and 3007 of the Bankruptcy Rules.

Background

3. On December 6, 2010 (the "Petition Date"), an involuntary chapter 11

¹ All references herein to the claim number are to the number assigned to the Claim by BMC (see paragraph 5 below) and not to the number, if any, assigned to the Claim by the Court's online claims register. For further explanation, see paragraph 5 below.

bankruptcy petition was filed to commence a chapter 11 case (the "Chapter 11 Case") against Eastern Livestock Co., LLC ("Debtor") in the United States Bankruptcy Court for the Southern District of Indiana, New Albany Division (the "Court").

- 4. On December 27, 2010, the Court entered an order approving the appointment of the Trustee and on December 28, 2010, entered an order for relief.
- 5. On March 17, 2011, the Court entered an order approving The BMC Group, Inc. ("BMC") as the Trustee's claims and noticing agent in the Chapter 11 Case. Pursuant to that order, BMC was authorized and directed to, among other things, maintain the official claims register ("Claims Register") for all filed proofs of claim in the Chapter 11 Case. A copy of that Claims Register and all filed proofs of claim in the Chapter 11 Case can be viewed at http://www.bmcgroup.com/restructuring/Claims.aspx?ClientID=271.

Reservation of Rights

6. The Trustee reserves the right to object to claims not included on the attached Exhibit A on the same or similar grounds listed in this Objection. Separate notice will be given and a separate hearing will be scheduled for any other objections.

Description of Exhibit A

7. Each creditor who filed a Claim is hereinafter referred to as a "Claimant."

The attached Exhibit A lists Claimants alphabetically and has four (4) columns. The first column is titled "Claimant" and lists the name of the person or entity who asserts the respective Claim.

The second column is titled "Claim Number" and lists the number assigned to the Claim on the Claims Register. The third column is titled "Date Filed" and lists the date the Claim was filed.

The fourth column is titled "Amount Claimed" and lists the amount claimed on the respective Claim.

Request for Relief

- 8. By this Objection, the Trustee seeks entry of an order disallowing and expunging for all purposes the Claims identified on attached Exhibit A.
- 9. The Trustee received a spreadsheet from the Kentucky Attorney General's Office listing the distributions made by the Kentucky Attorney General's Office from a restitution fund established by the Kentucky Attorney General's Office to pay the claims of certain of Debtor's creditors. According to the spreadsheet, the Claims on attached Exhibit A have been paid in full by the Kentucky Attorney General's Office. Because the Claims have already been satisfied, and because the Claimants are only entitled to a single satisfaction, the Trustee objects to the allowance of the Claims.
- 10. Thus, the Trustee objects to the Claims as already satisfied and requests that the Court enter an order disallowing and expunging the Claims.

Notice

- 11. The Trustee will serve copies of this Objection on all Claimants identified on Exhibit A. CLAIMANTS RECEIVING A COPY OF THIS OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON ATTACHED EXHIBIT A.
- 12. Any party may obtain a copy of this Objection and Exhibit A by requesting the same from counsel for the Trustee at (317) 237-1176.
- 13. The Trustee submits that such notice of this Objection is sufficient under Bankruptcy Rule 3007 and that no further notice is necessary.

Response Deadline

14. Any Claimant that wishes to contest the relief requested in this Objection must file a written response with the Court no later than thirty (30) days after receipt of this

Objection. Responses must be filed with the Clerk of the United States Bankruptcy Court,
Southern District of Indiana, New Albany Division, 110 U.S. Courthouse, 121 West Spring
Street, New Albany, IN 47150 and served on Trustee's Counsel, Faegre Baker Daniels LLP, 300
N. Meridian Street, Suite 2700, Indianapolis, IN 46204 (Attn: Dustin DeNeal).

WHEREFORE, the Trustee respectfully requests that the Court enter an Order disallowing and expunging for all purposes the Claims identified on attached Exhibit A and for all other just and appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Dustin R. DeNeal

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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